

PROCEDURES AND GUIDELINES TO APPOINT A NONCERTIFIED OR NONREGISTERED INTERPRETER IN CRIMINAL AND JUVENILE DELINQUENCY PROCEEDINGS

The court is required to appoint a certified interpreter to interpret a language designated by the Judicial Council (Gov. Code, section 68561) or a registered interpreter to interpret in a language not designated¹ by the Judicial Council. The court may appoint a noncertified interpreter *if* the court (1) on the record finds good cause to appoint a noncertified interpreter and finds the interpreter to be qualified and (2) follows the procedures adopted by the Judicial Council (Gov. Code, sections 68561(c), 68564(d) and (e); Cal. Rules of Court, rule 2.893). The court may appoint nonregistered interpreters only if (1) a registered interpreter is unavailable and (2) the good cause qualifications and procedures adopted by the Judicial Council under Government Code section 68561(c) have been followed. (See Gov. Code, section 71802(b)(1) and (d).)

The following procedures are applicable in criminal proceedings and juvenile delinquency proceedings under Welfare and Institutions Code section 602 et seq.

1. The proposed interpreter:

- a. Completes and signs under oath the form *Qualifications of a Noncertified or Nonregistered Interpreter* (form INT -110).
- b. Files the form with the court administrator.
- c. Renews the declaration of *Qualifications of a Noncertified or Nonregistered Interpreter* after six months.

2. The court administrator or designee:

- a. Reviews the proposed interpreter's declaration on *Qualifications of a Noncertified or Nonregistered Interpreter*.
- b. Submits the proposed interpreter's declaration on *Qualifications of a Noncertified or Nonregistered Interpreter* to the presiding judge.
- c. Sends a current copy of the *Qualifications of a Noncertified or Nonregistered Interpreter* (signed by the presiding judge within the past six months) to the courtroom.
- d. Informs the presiding judge (form INT -110) whether the proposed interpreter is within or beyond the maximum provisional qualification period allowed by California Rules of Court, rule 2.893.
- e. On the day of the proceeding, completes, signs, and files with the court a *Certification of Unavailability of Certified or Registered Interpreter* (form INT -120).
- f. Continues his or her efforts to obtain a certified or registered interpreter for the proceeding.

3. The presiding judge or judicial designee:

- a. Reviews the declaration on *Qualifications of a Noncertified or Nonregistered Interpreter*.
- b. May examine the proposed interpreter on his or her qualifications and may require additional information and documentation specified in the order.
- c. Signs the six- month "Finding of Provisional Qualification and Order of the Presiding Judge" (form INT-110, p. 4), if the presiding judge finds the proposed interpreter to be provisionally qualified to interpret in the court in the language specified.
- d. Renews the "Finding of Provisional Qualification and Order of the Presiding Judge" after six months, *if* the interpreter remains uncertified or unregistered and provisionally qualified.
- e. Makes a finding of good cause to allow a noncertified or nonregistered interpreter to interpret beyond the maximum provisional qualification period allowed by California Rules of Court, rule 2.893 (see form INT-110, p. 4).

¹ Languages are designated by the Judicial Council under Government Code section 68562.

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4. Judge at the proceeding:

- a. May review the *Qualifications of a Noncertified or Nonregistered Interpreter* (form INT -110) of the proposed interpreter.
- b. May examine the proposed interpreter on his or her qualifications to interpret in the proceeding and may require additional information and documentation.
- c. Makes a finding on the record that good cause exists to use the noncertified or nonregistered interpreter.
- d. If applicable, finds on the record that good cause exists under California Rules of Court, rule 2.893 to appoint a noncertified or nonregistered interpreter who has exceeded the provisional qualification periods allowed by rule 2.893.
- e. Finds on the record that the proposed interpreter is qualified to interpret the proceeding.
- f. **OR** Continues the proceeding until a certified, registered, or better-qualified interpreter is available.
- g. Informs the parties on the record that the proposed interpreter is not certified or registered.
- h. May request a stipulation or waiver from the parties on the record to the appointment of the noncertified or nonregistered interpreter.
- i. Rules on any objection to the appointment of the noncertified or nonregistered interpreter.
- j. Appoints the proposed noncertified or nonregistered interpreter to interpret in the proceeding and may appoint the interpreter to remain in the proceeding on subsequent days.

5. Courtroom clerk:

- a. Retains in the courtroom the interpreter's *Qualifications of a Noncertified or Nonregistered Interpreter*.
- b. Records in the docket or minute order the information required by California Rules of Court, rule 2.893 as follows:
 - (1) The name of the interpreter;
 - (2) The language to be interpreted;
 - (3) The fact that the interpreter was administered the interpreter's oath;
 - (4) The fact that the interpreter is not certified or registered to interpret in the language to be interpreted;
 - (5) Whether a *Certification of Unavailability of Certified or Registered Interpreters* for the language to be interpreted is on file for this date with the court administrator;
 - (6) The court's finding that good cause exists for the court to appoint a noncertified or nonregistered interpreter;
 - (7) The court's finding that the interpreter is qualified to interpret in the proceeding;
 - (8) If applicable, the court's finding under rule 2.893 that good cause exists for the court to use a noncertified or nonregistered interpreter beyond the time allowed in rule 2.893; and
 - (9) If applicable, the objection or waiver of the defendant or minor under rule 2.893.

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INSTRUCTIONS FOR THE COURT'S FINDING OF GOOD CAUSE AND APPOINTMENT OF NONCERTIFIED OR NONREGISTERED INTERPRETER

Before the court appoints a noncertified or nonregistered interpreter, the court must make a good-cause finding on the record at the beginning of the proceeding (Gov. Code, sections 68561(c), 71802(b)(1) and (d)). The appointment and finding below states the elements required.

The court appoints the noncertified or nonregistered interpreter to interpret the stated language in the proceeding on today's date.
(At the discretion of the court, this interpreter may remain on a particular matter begun on today's date.)

The court finds good cause to appoint the interpreter based on the certification of the interpreter coordinator² of his or her efforts to obtain an interpreter and that a certified or registered court interpreter is not available. The coordinator's certification is on file.

The court finds the noncertified or nonregistered interpreter to be qualified to interpret in this proceeding based on (1) the interpreter's declaration of qualifications to the presiding judge and (2) the presiding judge's order provisionally qualifying the interpreter, which are on file with the court administrator, and *(optional)* (3) this court's examination in this proceeding of the interpreter.

The appointed interpreter *(choose one)*:

1. has **not** been appointed by any trial court beyond the period specified in California Rules of Court, rule 2.893 **-OR-**
2. has been appointed by a trial court beyond the period specified in California Rules of Court, rule 2.893, and the court finds good cause exists under rule 2.893 to continue using the interpreter.

² Person who is responsible for assigning interpreters to a court.